



DEPARTMENT OF THE NAVY  
COMMANDER NAVY REGION SOUTHWEST  
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IN REPLY REFER TO:

COMNAVREGSWINST 12720.1

23 NOV 2005

DISCRIMINATION AND SEXUAL HARASSMENT POLICY

Discrimination, sexual harassment or harassment for any reason in the Federal work place are against the law. These unfair practices will not be tolerated. We must be sensitive to any occurrence of these practices and use every means at our disposal to eliminate them.

Definition of terms: Discrimination is an act, policy or procedure that arbitrarily denies equal treatment to an individual or a group of individuals because of race, color, religion, gender, age, disability or national origin. Sexual harassment is a form of sex discrimination involving unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career; and/or
2. submission to, or rejection of, such conduct by a person is used as a basis for career or employment decisions affecting that person; and/or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence, or affect the career, pay, or job of a service member or civilian employee is engaging in sexual harassment. Similarly, any service member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

The "Reasonable Person" standard will be used to determine whether behavior constitutes harassment or sexual harassment. This objective standard considers what a reasonable person's reaction would have been under similar circumstances and in a similar environment. This standard considers the recipient's perspective and not stereotyped notions of acceptable behavior.

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For example, a work environment in which sexual or racial slurs, the display of sexually suggestive calendars, or other offensive behavior abound would be a harassing environment to a reasonable person even if those who work there think that kind of behavior is harmless or insignificant. By the same token, a reasonable person would not consider a group of men in summertime jogging gear to be suggestive, even if someone else did.

Discrimination and harassment including sexual harassment are prohibited in the work place, in any other place that is work-connected, and in the conditions or atmosphere under which people are required to work. Examples of work environment include, but are not limited to, an office, an entire office building, a Department of Defense (DoD) base or installation, ships, aircraft or vehicles, and anywhere when engaged in official DoD business, as well as command-sponsored social, recreational and sporting events, regardless of location.

No individual shall:

1. commit unlawful discrimination, harassment or sexual harassment; or
2. take reprisal against a person who provides information on an incident. A reprisal is the wrongful threatening or taking of either unfavorable action against another, or withholding favorable action from another, solely in response to a report of discrimination or sexual harassment; or
3. knowingly make a false accusation of discrimination or sexual harassment; or
4. While in a supervisory or command position, condone or ignore discrimination or sexual harassment of which he or she has knowledge or should have knowledge.

Reports of discrimination and sexual harassment will be thoroughly investigated. Appropriate action will be swift in substantiated cases, including those cases involving supervisors who condone or ignore such misconduct. The chain of command shall be fully utilized and instances of discrimination/sexual harassment will be resolved at the lowest possible level. All cases or suspected incidents of sexual harassment and discrimination should be reported by the victim to their immediate supervisor or next senior person in the chain of command who is not involved, and/or to an Equal Opportunity Advisor.

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If a complainant is not satisfied during the complaint process, they may use the Inspector General's Fraud, Waste and Abuse Hotline at DSN: 288-6743 or toll-free 1-800-522-3451 or 1-800-253-0931 (Sexual Harassment and EO Advice Line).

Military and civilian personnel alike are encouraged to use the Informal Resolution System (IRS) as a means of direct resolution of discrimination or sexual harassment complaints (not independently criminal in nature). The IRS was designed to complement, not replace, current formal procedures for resolving complaints of discrimination. The IRS provides an opportunity for the individuals involved to resolve the conflict at an informal level.

The prevention of discrimination and sexual harassment exemplifies the Department of the Navy's goal to uphold the highest standards of leadership and personal conduct. Each leader, manager and supervisor is responsible for providing training and guidance to personnel and taking prompt corrective action upon encountering evidence of inappropriate conduct.

Discrimination and sexual harassment are demeaning, inappropriate and absolutely unacceptable. They undermine unit cohesion and will not be tolerated in any form aboard Navy Region Southwest. I expect every civilian and military member of this command to support this policy and to work with me to achieve an environment free from all forms of unlawful discrimination.



L. R. HERING